

REMARKS

Applicant replies to the Office Action dated August 17, 2006, within the shortened statutory period for reply. Claims 1-7 were pending in the application and the Examiner rejects claims 1-7. Applicant adds new claims 9-13. No new matter is added by this Reply and support for all amendments is found in the originally-filed specification and drawings. Reconsideration is respectfully requested.

The Examiner rejects claims 4 and 5 under 35 USC § 112 because the Examiner asserts that the claims do not include sufficient structural cooperative relationships. Applicant respectfully traverses this rejection. However, in order to expedite prosecution, Applicant amends claims 4 and 5 to provide additional structural cooperative relationship elements for the coin slot, time clock and monitor.

The Examiner next rejects claims 1-6 under 35 USC § 102(e) as being anticipated by Tree, U.S. Patent No. 6,651,797 ("Tree"). Applicant respectfully traverses this rejection.

Tree discloses an in-wall coin bank having bumper posts and a transparent front panel 42 (Figure 3A), such that the deposited coins encounters the bumper posts 46 during the coins fall to the secure storage container 14. While Tree discloses a bank having repeated identical entertainment devices, namely repeated identical bumper posts, Tree does not include different entertainment devices in the same donation device, and aside from the falling coin itself, does not include any movable entertainment device that forms part of the coin bank. The use of different entertainment devices is critical because the potential donors may have different interests and different reactions to different entertainment devices. For example, if a child was not interested in seeing the donated coin merely bounce off of bumper posts, the child will most likely not insert a coin donation in that particular device. While the Tree device may include a throwing arm 80 with a pivotable cup 82 which catches the coin and rotates (Tree Figure 7; column 4, lines 50-59), such throwing arm and pivotable cup are located behind the rear panel of the device, and behind the wall where the device is inserted, so the arm and cup are not visible to the user.

In contrast, the presently claimed invention includes very unique, different, movable and much more stimulating entertainment devices, and more particularly, the presently claimed invention includes more than one type of entertainment device. With multiple different entertainment devices, the presently claimed invention is able to appeal to different interests and senses, thereby substantially increasing the consumer base that is willing to donate in the device.

As such, Teach does not disclose or suggest at least “wherein said entertainment device includes at least two different movable items selected from the group of a lever, step, gear, ramp, rotating wheel, loop, cup, dish, and catapult,” as recited in independent claim 1.

Applicant asserts that claims 2-6 depend from claim 1, so claims 2-6 are differentiated from the cited references for the same reasons as set forth above for claim 1, in addition to their own respective features.

The Examiner next rejects claim 5 under 35 USC § 103(a) as being unpatentable over Tree in view of Molbak, et al., U.S. Patent No. 5,564,546 (“Molbak”). Applicant respectfully traverses this rejection.

Applicant asserts that claim 5 depends from claim 1, so claim 5 is differentiated from the cited references for the same reasons as set forth above for claim 1, in addition to its own respective features, and Molbak does not cure such deficiencies.

The Examiner next rejects claim 6 under 35 USC § 103(a) as being unpatentable over Tree in view of Cotton, et al., U.S. Patent No. 4,663,538 (“Cotton”). Applicant respectfully traverses this rejection.

Applicant asserts that claim 6 depends from claim 1, so claim 6 is differentiated from the cited references for the same reasons as set forth above for claim 1, in addition to its own respective features, and Cotton does not cure such deficiencies.

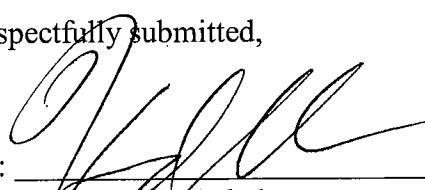
The Examiner next rejects claim 7 under 35 USC § 103(a) as being unpatentable over Tree in view of Suzuki, U.S. Patent No. 5,282,765 (“Suzuki”). Applicant respectfully traverses this rejection.

Applicant asserts that claim 7 depends from claim 1, so claim 7 is differentiated from the cited references for the same reasons as set forth above for claim 1, in addition to its own respective features, and Suzuki does not cure such deficiencies.

New Claims 9-13 depend from claim 1, so new claims 9-13 are differentiated from the cited references for the same reasons as set forth above for claim 1, in addition to their own respective features. For example, while Tree may include a monitor and Molbak includes advertisements, the monitor does not acquire and correlate time and coin drop information to determine the value or number of coin drops occurring while a particular monitor display is active (e.g., while the Muscular Dystrophy Association advertisement is displayed), as in claims 5 and 11, or to make this determination in order to divide up the charitable donations, as in claim 13.

Applicant submits that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. Should the Examiner have any suggestions to place the application in even better condition for allowance, Applicant requests that the Examiner contact the undersigned representative at the telephone number listed below. If an extension of time is needed, please accept this as a petition for said extension of time. Attorney for applicants authorizes and requests that any fees due be charged to Deposit Account No. 19-2814, including any required extension fees.

Respectfully submitted,

By: 

Howard I. Sobelman
Reg. No. 39,038

SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202
Phone: (602) 382-6228
Fax: (602) 382-6070
Email: hsobelman@swlaw.com